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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: Bleizeffer et al.

Serial No.: 09/877,157

Filed: June 8, 2001

For: Interface for Creating Privacy
Policies for the P3P Specification§
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Group Art Unit: 3621

Examiner: Winter, John M.

Attorney Docket No.: RSW920000172US1

Certificate of Transmission Under 37 C.F.R. § 1.8(a)

I hereby certify this correspondence is being transmitted via facsimile to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, facsimile number (571) 273-8300 on January 19, 2006.

By:


Dell WhittonRESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Notice of Non-Compliant Amendment was received by Applicant stating that "The Appeal Brief filed on June 28, 2005 is defective for failure to comply with one or more provisions of 37 CFR 41.37". A copy of the Notice of Non-Compliant Amendment is attached hereto.

No fees are believed to be necessary. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0461. No extension of time is believed to be necessary. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0461.

In response to the Notice of Non-Compliant Amendment, attached hereto is a copy of the Appeal Brief as filed on January 31, 2005, which includes the Evidence Appendix (including Appendix A, Appendix B and Appendix C) starting at page 27 of 35, and the Related Proceedings Appendix at page 35 of 35. The Appeal Brief was thus filed in accordance with all provisions of 37 C.F.R. 41.37. Also attached is a copy of the PTO Auto-Reply Facsimile Transmission showing receipt of 35 pages of the Appeal Brief as filed.

As evidenced by the attached printout from the USPTO Patent Application Information Retrieval system (PAIR), the Appeal Brief as filed on January 31, 2005, was improperly scanned into PAIR as five (5) individual documents on January 31, 2005, including:

<u>Document Description</u>	<u>Page Count</u>	<u>(Documents contained)</u>
Appcal Brief Filed	27	Fax Cover Sheet (page 1) Transmittal Document (page 2) Appcal Brief (pages 3-26) Evidence Appendix (page 27)
Appendix to Specification	5	Appendix A (pages 28--31) 1 page inserted by IFW (no page number)
Appendix to Specification	2	Appendix B (page 32) 1 page inserted by IFW (no page number)
Appendix to Specification	4	Appendix C (pages 33-34) Related Proceedings Appendix (page 35) 1 page inscrted by IFW (no page number)
Fee Worksheet (PTO-875)	1	Transmittal Document (page 2) (also included in above "Appeal Brief filed")

The alleged error appears to have actually occurred in the transmission of the Appeal Brief without the attached appendices to the Board of Patent Appeals and Interferences, who stated in the Order Returning Undocketed Appeal to Examiner dated November 3, 2005, that: "A review of the file reveals that the heading "Related Proceedings Appendix" is missing from the Appcal Brief according to §41.37 © (1) (x)". As shown above, the Related Proceedings Appendix was included and received at the USPTO on January 31, 2005.